

REMARKS

Claims 1-9 are pending in the application. Applicants amend claim 7 for a minor correction, and amend claims 1 and 5-6 for further clarification. Applicants refer to Figs. 7C and 7E, and their corresponding description in the specification for exemplary embodiments of and support for the claimed invention. No new matter has been added.

The Examiner objected to claim 7 for an apparent informality, which Applicants correct by amendment. Accordingly, Applicants respectfully request that the Examiner withdraw the objection.

Claims 1-4 and 6-9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,564,097 to Swanke; and claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Swanke in view of U.S. Patent No. 6,021,137 to Kato et al. Applicants amend claims 1 and 5-6 in a good faith effort to further clarify the invention as distinguished from the cited references, and respectfully traverse the rejections.

As shown in Figs. 3A and 3B therein, Swanke, as cited and relied upon by the Examiner, only describes a “frequency-hopped signal in a spread and despread state” oscillating only in the positive direction.

Thus, Swanke, as cited and relied upon by the Examiner, fails to disclose or suggest,

“[a] data communication apparatus comprising:
a transmission side; and
a reception side that includes:
 a spread spectrum processing part that performs
 a spread spectrum process on an input signal and
 outputs a spread spectrum processed signal that
 oscillates in positive and negative directions;
 an analog-to-digital conversion part that
 digitally converts the spread spectrum processed signal
 by sampling the spread spectrum processed signal at a
 sampling timing in sync with an oscillation timing of
 the spread spectrum processed signal; and
 an inverse spread spectrum processing part that
 performs an inverse spread spectrum process of said

spread spectrum process on the digitally converted signal,” as recited in claim 1. (Emphasis added)

Accordingly, Applicants respectfully submit that claim 1, together with claims 2-4 dependent therefrom, is patentable over Swanke for at least the foregoing reasons. Claim 6 incorporates features that correspond to those of claim 1 cited above, and is, therefore, together with claims 7-9 dependent therefrom, patentable over Swanke for at least the same reasons.

The Examiner cited and relied upon Kato et al. as a combining reference to specifically address the claimed “power line” features recited in claim 5, which also incorporates features that correspond to those of claim 1 cited above. As such, a combination with Kato et al. would still have failed to cure the above-described deficiencies of Swanke, even assuming, arguendo, that such a combination would have been obvious to one skilled in the art at the time the claimed invention was made. Accordingly, Applicants respectfully submit that claim 5 is patentable over the cited references for at least the above-stated reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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